



DEPARTMENT OF THE NAVY
BUREAU OF NAVAL PERSONNEL
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

5720
PERS 00J6/20170586
August 31, 2017

Mr. Robert Hammond
707 Upham Place NW
Vienna, VA 22180
Perseverance2013@aol.com

Dear Mr. Hammond:

SUBJECT: YOUR FREEDOM OF INFORMATION ACT (FOIA) REQUEST

This is in response to your Freedom of Information Act (FOIA) request of August 30, 2017. You seek a copy of FY2013-FY2016 quarterly FOIA reports maintained by this command. Your request was received in this office (PERS-00J) on August 31, 2017, and has been assigned FOIA number 2017-010215 and FOIA correspondence number CNPC20170586 by this command.

A copy of available responsive documents is enclosed. We were unable to locate a copy of some responsive reports, and as such, this is considered a partial "No Records" reply.

If you believe an adequate search of this command's records was not conducted, you have the right to appeal this partial "No Records" determination, in writing, to the Office of the Judge Advocate General, OJAG Code 14, 1322 Patterson Avenue SE Suite 3000, Washington Navy Yard, DC 20374-5066.

Should you believe the submission of an appeal necessary, it must be received in that office within 90 calendar days from the date of this letter in order to be considered. Please attach a copy of this letter and the original request. Include a statement regarding why you believe this command may possess records responsive to your request. Please mark both the envelope and your appeal letter "FOIA/PA APPEAL."

No assessable FOIA fees were associated with the processing of your request. I am the official responsible for this partial "No Records" response regarding records

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PERS 00J6/20170586

August 31, 2017

maintained by this command. Should you wish to discuss this matter, you may contact the undersigned at david.german@navy.mil or at (901) 874-3165. You may also contact the DON FOIA Public Liaison, Christopher Julka, at Christopher.a.julka@navy.mil or at (703) 697-0037.

Sincerely,

A handwritten signature in black ink, appearing to be 'D. P. German', with a stylized flourish at the end.

D. P. GERMAN
FOIA/PA Officer
By direction

German, David Paul CIV

From: German, David Paul CIV
Sent: Friday, March 29, 2013 14:26
To: DONFOIA-PA
Subject: NPC FOIA Quarter Report FY13 - 2nd Quarter (Jan. 1 - Mar. 31, 2013)
Attachments: FOIA Quarterly Report NPC 2ND QTR.pdf

Attached is the completed quarterly FOIA report.

Best,

David P. German
Bureau of Naval Personnel
Navy Personnel Command (PERS-00J)
FOIA/PA Officer, CIPP/G
Comm: (901) 874-3165, DSN: 882-3165

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-----Original Message-----

From: German, David Paul CIV On Behalf Of NPC FOIA
Sent: Monday, March 25, 2013 13:19
To: German, David Paul CIV
Subject: FW: FOIA Quarter Report FY13 - 2nd Quarter (Jan. 1 - Mar. 31, 2013)

David P. German
Bureau of Naval Personnel
Navy Personnel Command (PERS-00J)
FOIA/PA Officer, CIPP/G
Comm: (901) 874-3165, DSN: 882-3165

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-----Original Message-----

From: Shaw, Phyllis CIV OPNAV, DNS-36C On Behalf Of DONFOIA-PA
Sent: Monday, March 25, 2013 8:15
Subject: FOIA Quarter Report FY13 - 2nd Quarter (Jan. 1 - Mar. 31, 2013)

All DON Echelon II and Marine Corps (HQMC) FOIA Coordinators,

The second quarter of FY13 ends this Sunday. Please fill out the attached "FOIA Quarter Report Form" for the period "FY13 - 2nd Quarter (Jan. 1 - Mar. 30, 2013)" and return it to our donfoia-pa@navy.mil mailbox by COB April 5, 2013.

In addition to the attached "FOIA Quarterly Report Form," we have also attached the directions on "How to use the FOIA case tracker to get statistics."

We are only sending this to DON Echelon II and Marine Corps (HQMC) FOIA offices, so if you require input from your subordinate FOIA offices, we ask that you forward the attachments from your office.

If you have any questions or require assistance, please contact our office thru the DONFOIA-PA mailbox (donfoia-pa@navy.mil) or the service line at 202-685-0412. Jerry Ray, from this office, will have the lead on consolidating your responses.

Respectfully,

M. Phyllis Shaw

Senior PA/FOIA Program Analyst

Team Chief & DON FOIA Requester Service Center OPNAV/SECNAV Privacy/Freedom of Information Office
DNS-36

2000 Navy Pentagon

Washington, DC 20350-2000

COM:202-685-6530 DSN:325-6530

FAX:202-685-6580

mary.p.shaw@navy.mil

FOIA/PA Service Center 202-685-0412

or DONFOIA-PA@NAVY.MIL

FY13 FOIA Quarterly Reporting Form

Echelon 2 - submit completed form to donfoia-pacnavy.mil

Echelon 3 and greater - submit completed form to your Echelon 2

Quarter: FY13 - 2nd Quarter (Jan. 1 - Mar. 31, 2013)

Department Name: Bureau of Naval Personnel/Navy Personnel Command

- a) FOIA requests received during quarter: 106
- b) FOIA requests processed during quarter: 107
- c) FOIA backlog at end of quarter: 0
(open cases over 20 work days)
- d) Status of 10 oldest backlogged cases as reported on the FY12 FOIA Annual Report by your agency.

Date of Receipt

Status of Request

N/A

N/A

FOIA Quarterly Report Submission Form

Quarter: FY13 - 2nd Quarter (Jan. 1 - Mar. 31, 2013)

Department Name: Navy Personnel Command

a) FOIA requests received during quarter:

Navy: 136

Marine Corps:

b) FOIA requests processed during quarter:

Navy: 134

Marine Corps:

c) FOIA backlog at end of quarter:
(open cases over 20 work days)

Navy: 0

Marine Corps:

d) Status of 10 oldest **Pending Perfected** cases as reported on the FY12 FOIA Annual Report by your agency.

Date of Receipt

Status of Request

12/12/2012

12/17/2012

e) Status of 10 oldest **Consultation** cases as reported on the FY12 FOIA Annual Report by your agency. .

<u>Date of Receipt</u>	<u>Status of Request</u>
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0

f) Status of 10 oldest **Appeal** cases as reported on the FY12 FOIA Annual Report by your agency.

<u>Date of Receipt</u>	<u>Status of Request</u>
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0

German, David Paul CIV

From: German, David Paul CIV
Sent: Tuesday, June 11, 2013 10:47
To: DONFOIA-PA
Subject: RE: Action Item due June 21, 2013 - Quarterly FOIA Reporting
Attachments: PERS FOIA REPORT 3RD QUARTER FY13.pdf

Attached is PERS FY-13 3rd Quarter FOIA report.

Best,

David P. German, CIPP/G
Bureau of Naval Personnel
Navy Personnel Command
Office of Legal Counsel
FOIA/PA Officer, PERS-00J6
Comm: (901) 874-3165, DSN: 882-3165

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FY13 FOIA Quarterly Reporting Form

Echelon 2 - submit completed form to donfoia-pa@navy.mil

Echelon 3 and greater - submit completed form to your Echelon 2

Quarter: FY13 - 2nd Quarter (Jan. 1 - Mar. 31, 2013)

Department Name: Bureau of Naval Personnel/Navy Personnel Command

- a) FOIA requests received during quarter: 106
- b) FOIA requests processed during quarter: 107
- c) FOIA backlog at end of quarter: 0
(open cases over 20 work days)
- d) Status of 10 oldest backlogged cases as reported on the FY12 FOIA Annual Report by your agency.

<u>Date of Receipt</u>	<u>Status of Request</u>
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N/A

N/A

German, David Paul CIV

From: German, David Paul CIV
Sent: Monday, September 30, 2013 8:08
To: DONFOIA-PA
Subject: FW: Action Item Due October 4, 2013 - Quarterly FOIA Reporting (June 24 - Sept 30)
Attachments: NPC 4TH QUARTER FOIA Report.pdf

Attached is the completed 4th quarter FOIA report.

Best, Dave

David P. German, CIPP/G
Bureau of Naval Personnel
Navy Personnel Command
Office of Legal Counsel
FOIA/PA Officer, PERS-00J6
Comm: (901) 874-3165, DSN: 882-3165

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FY13 FOIA Quarterly Reporting Form

Echelon 2 - submit completed form to donfoia-pa@navy.mil

Echelon 3 and greater - submit completed form to your Echelon 2

Quarter: FY13 - 4th Quarter (Jul. 1 - Sep. 30, 2013)

Department Name: BUPERS/NAVY PERSONNEL COMMAND

- a) FOIA requests received during quarter: 147
- b) FOIA requests processed during quarter: 145
- c) FOIA backlog at end of quarter: 0
(open cases over 20 work days)
- d) Status of 10 oldest backlogged cases as reported on the FY12 FOIA Annual Report by your agency.

<u>Date of Receipt</u>	<u>Status of Request</u>
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12/12/2012	CLOSED
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12/17/2012	CLOSED
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German, David Paul CIV

From: German, David Paul CIV
Sent: Monday, September 30, 2013 13:42
To: DONFOIA-PA
Subject: CORRECTED COPY - PERS FOIA 4TH QUARTER REPORT
Attachments: CORRECTED COPY - NPC 4TH QUARTER FOIA Report (2).pdf

Important, attached is a CORRECTED COPY of the 4th quarter FOIA report for BUPERS/NPC.

V/r, Dave

David P. German, CIPP/G
Bureau of Naval Personnel
Navy Personnel Command
Office of Legal Counsel
FOIA/PA Officer, PERS-00J6
Comm: (901) 874-3165, DSN: 882-3165

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FY13 FOIA Quarterly Reporting Form

Echelon 2 - submit completed form to donfoia-pa@navy.mil

Echelon 3 and greater - submit completed form to your Echelon 2

Quarter: FY13 - 4th Quarter (Jul. 1 - Sep. 30, 2013).

Department Name: BUPERS/NAVY PERSONNEL COMMAND

- a) FOIA requests received during quarter: 159
- b) FOIA requests processed during quarter: 157
- c) FOIA backlog at end of quarter: 0
(open cases over 20 work days)
- d) Status of 10 oldest backlogged cases as reported on the FY12 FOIA Annual Report by your agency.

<u>Date of Receipt</u>	<u>Status of Request</u>
12/12/2012	CLOSED
12/17/2012	CLOSED

German, David Paul CIV

From: German, David Paul CIV
Sent: Thursday, December 19, 2013 8:39
To: DONFOIA-PA
Subject: NPC 2014 1ST QUARTER FOIA REPORT
Attachments: NPC FOIA FY-14, 1st Quarterly Report Form 12-9-13 (2).pdf

Attached is the 2014 1st Quarter FOIA report for BUPERS/NPC.

Thanks, Dave

David P. German, CIPP/G
Bureau of Naval Personnel
Navy Personnel Command
Office of Legal Counsel
FOIA/PA Officer, PERS-00J6
Comm: (901) 874-3165, DSN: 882-3165

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-----Original Message-----

From: Strong, Richard R CTR OPNAV, DNS-36 On Behalf Of DONFOIA-PA
Sent: Monday, December 09, 2013 9:05 AM
To: DONFOIA-PA; Patterson, Robin L CIV OPNAV, DNS-36; Adams, Holly A CIV ONR, BD04C; Aguon, Lisa S. CIV COMPACFLT, N01J; Alvers, Linda J CIV USFF, N01P; Bates, Michael M CAPTAIN FORCE JUDGE ADVOCATE, PENSACOLA; Barnett, Lisa A CIV FRCSE, JAX 11.0; Best, Genevieve M CIV NAVSEA, SEA COS; Bizzell, Judy; Brown, Idrelia R CIV NAVSEA, SEA COS; Callahan, Alicie B CIV Code 14; Carilli, Joseph; Chase-Ramsey, Patricia E CIV NAVINSGEN, N00KS; Christensen, April A. CIV DGC, WASH NAVY YARD; Claussen, Roger R CIV CORB, CORB; Clemons, Karen R CIV DON/AA; Connor, Chris D LCDR OJAG, CODE 20; Crawford, Debra M CTR PSD Kitsap, N14; Crowther, Norma CIV; Cusack, Christina M CIV NCIS, Code 00L; Davis, Kimberly A CIV FRCSE, JAX 11.0; Dickinson, John M CIV CNIC HQ, N00; Dolan, Ginger CIV NAVSEA, SEA 09P; Donovan, Janet R RDML DJAG (RA&O); Dronberger, Hal H OJAG Code 15; Edwards, Rebecca L CIV NSWC, PCD; Ellis, Brian J LCDR Expeditionary Strike Group FIVE, Legal; Erdmann, Eric ; Ford, Felecia M CIV OJAG, CODE 11; Fox, Ruth CIV NAVCYBERFOR, N03; Garcia, Della ; Gauzer, Thomas J CIV OJAG, CODE 15; German, David Paul CIV; Gibbons, Patrick J CDR JAGC, USN; Gray, Alison L CIV OCHR, 00E; Haagensen, Katharine J LT RLSO HAWAII, PEARL HARBOR; Hamlin, Donna M CIV NAVSEA, SEA COS; Harrison, Dave M CAPT RLSO SW, SAN DIEGO; Harrity, Nancy E CIV CHINFO, OI-8; Harwell, Vinez N CIV NAVSAFECEN, 055D; Hayes, Michael W CIV OGC, NLO; Higgins, Holly; Holder, Stacey D CIV NAVFAC HQ, FM; Hughes, Sally CIV HQMC, ARS; James, Susan C CIV SPAWAR, 35000; Jones, Daniel A, NAVHISTHERITAGECOM; Jones, Nancy B CIV NAVSAFECEN, 055R; King, Joseph; Lattin, Grant E CIV OJAG, CODE 14; Lawson, Susan E CIV CNRMC, CNRMC; Layne, Mike LCDR CNIC HQ, N00; Leme, Luis P CIV ONR, ONRA; Leonard, Patricia A CAPT NAVSEA, SEA 10; LePage, Laura L CIV NAVFAC MIDLANT, Staff; Lippolis, Lawrence CIV NAVINSGEN, N00K; Major, Lou CIV NAVAUDSVC; Manley, Crystal D CTR OPNAV, DNS-36; Mastowski, Kristen ; Melo, Kelly L CIV NUWC NWPT; Obrien, Mark CIV NAVINSGEN, N00K1; Oppenheimer, Nanette L CIV NAVSEA, SEA 00L; Patterson, Robin L CIV OPNAV, DNS-36; Poge, Crystle C CIV

COMNAVSURFLANT, N01L4; Reyes, Susan CIV NAWCTSD, 11.0; Rodini, Andrleigh CIV OJAG, CODE 15; Rodnite, Peter CDR NAVAIR 7.1, OOO; Russell, Randall CIV OJAG, CODE 15; Seith, Kimberly A CIV NETC, Legal; Shaw, Phyllis CIV OPNAV, DNS-36C; Smith, Kevin P LCDR OPNAV, DNS-2; Spencer, Vaughn LCDR; Taylor, Barbara J CIV NAVSEA, SEA COS; dick.thompson@nrl.navy.mil; Triplett, Garrett CIV CNRFC, NOOJ; Triplett, Paul G.; Trojahn, Scott, LCDR PSD Oceana, OIC; Vincent, Robert E CDR OJAG, CODE 20; jwatson@nmic.navy.mil; Webb, James E CIV NAVSAFECEN 055C; Weiss, Mitchel CIV FRCSE, JAX 11.0; Witt, Maria CTR OPNAV, DNS-36; Zeigler, Richard D. Assistant to the General Counsel; Zimmerman, Delicia G LCDR RLSO, NDW; Nakamura, Byron M LT CNIC HQ, N00; Leary, Thomas F CDR OJAG, CODE 10; Blazek, Jessica ; Davis, Michelle CIV NAVSUP; Briceno, Daniela

Subject: Action Item Due December 20, 2013 - Quarterly FOIA Reporting (Sept 30-Dec 20)

Subject: Action Item Due December 20, 2013 - Quarterly FOIA Reporting (Sept 30-Dec 20)

DON FOIA Community:

Please be advised that DOJ continues to require Quarterly FOIA reporting. Due to the Holiday Season the consolidated submission from each Echelon I/II is due to DNS-36 no later than COB Friday, December 20, 2013. The remaining two weeks of the report will be submitted with the 2nd Quarter Report.

1. The Echelon I/II's, will coordinate with their subcomponents (same premise as the FOIA Annual Reporting process), consolidated the component data and provide your consolidated component response in the attached format. You may use the attached format to collect your subcomponents data. If you would like the master loader format to assist you in consolidating your responses, please contact our office thru the DONFOIA-PA@navy.mil mailbox or the FOIA Service Center at 202-685-0412.
2. Include in your final response to the DONFOIA-PA mailbox, the hours and cost to generate your components consolidated report. Additionally, to account for the incomplete data submitted in the 3rd Quarter Report, include the week of December 23th in your 2nd Quarter Report.

For those DON community members fully vested in the DON (NAVSEA) FOIA tracker and management tool, please find the attached SOP on how you can generate this data within the tool. This SOP provides you with visual step by step instructions.

Additionally please mark your calendars for the following dates to help us expedite timely Navy reporting:

1st quarter reporting due Dec 20th (early submission) - for Oct 2013 - Dec 20th

2nd quarter reporting due April 4th - to include Dec 23rd - March 31st

3rd quarter reporting due July 3rd- for April 2013 - June 30th

4th quarter reporting due Oct 3rd- for July 2013 - Sept 30th

Respectfully,

Robin Patterson

Head, DON FOIA/PA Program Office (DNS-36)

CNO Office of The Director, Navy Staff

Organization and Management Division

FOIA/PA Service Center 202 685-0412 DONFOIA-PA@NAVY.MIL

Direct line 202 685-6545 Robin.Patterson@navy.mil

FY14 FOIA Quarterly Reporting Form

Echelon 2 - submit completed form to donfoia-pa@navy.mil

Echelon 3 and greater - submit completed form to your Echelon 2

Quarter: FY14 - 1st Quarter (Oct. 1 - Dec. 31, 2013)

Department Name: BUPERS/NPC

a) FOIA requests received during quarter: 122

b) FOIA requests processed during quarter: 124

c) FOIA backlog at end of quarter:
(open cases over 20 work days) 0

d) Status of 10 oldest backlogged cases as reported on the FY13 FOIA Annual Report by your agency.

Date of Receipt

Status of Request

German, David Paul CIV

From: German, David Paul CIV
Sent: Tuesday, April 01, 2014 12:34
To: DONFOIA-PA
Subject: RE: Quarterly FOIA Reporting (Dec 20-Mar 31)
Attachments: CONSOLIDATED FORM 3-21-14.pdf

Attached is the quarterly report for BUPERS/CNPC. Note: CNRC has not yet used the new EPA FOIAonline tracker. Their numbers have been manually incorporated in the attached report. For clarity, CNRC received and processed four cases during the quarter. BUPERS/CNPC had received 201 cases and processed 200 cases during the quarter. Thus, the consolidated totals are 205 received and 204 processed.

V/r, Dave

David P. German, CIPP/G
Bureau of Naval Personnel
Navy Personnel Command
Office of Legal Counsel
FOIA/PA Officer, PERS-00J6
Comm: (901) 874-3165, DSN: 882-3165

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FOIA Quarterly Report Submission Form

Quarter: FY13 - 2nd Quarter (Jan. 1 - Mar. 31, 2014)

Department Name: BUPERS/CNPC (including CNRC)

a) FOIA requests received during quarter: 205

Navy: 205

Marine Corps: --

b) FOIA requests processed during quarter: 204

Navy: 204

Marine Corps: --

c) FOIA backlog at end of quarter:
(open cases over 20 work days)

Navy: 0

Marine Corps: --

d) Status of 10 oldest **Pending Perfected** cases as reported on the
FY12 FOIA Annual Report by your agency.

Date of Receipt

Status of Request

e) Status of 10 oldest **Consultation** cases as reported on the FY12 FOIA Annual Report by your agency.

<u>Date of Receipt</u>	<u>Status of Request</u>
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f) Status of 10 oldest **Appeal** cases as reported on the FY12 FOIA Annual Report by your agency.

<u>Date of Receipt</u>	<u>Status of Request</u>
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German, David Paul CIV

From: German, David Paul CIV
Sent: Monday, April 06, 2015 12:17
To: DONFOIA-PA
Subject: 2nd Quarter FOIA Reporting
Attachments: NPC FOIA 2ND QUARTER.pdf; CNRC FOIA 2ND QUARTER.pdf

Attached are two feeder reports for CNRC and NPC for second quarter FY-15.

Best, Dave

David P. German, CIPP/G
Bureau of Naval Personnel
Navy Personnel Command
Office of Legal Counsel
FOIA/PA Officer, PERS-00J6
Comm: (901) 874-3165, DSN: 882-3165

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Department of the Navy FY 15 Quarterly FOIA Feeder Report

Component Name: Navy Personnel Command

Echelon Level: II

Reporting Echelon II: Navy Personnel Command

Requests Received

1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter
	271		

Requests Closed

1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter
	271		

Requests Pending

End of FY 14	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter
0				3

Requests Backlogged (Perfected and Pending >20 days)

End of FY 14	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter
0				1

Status of 10 Oldest Requests from FY 14 Annual Report

[illegible]

Staffing

Authorized Staffing	Current Staffing	# 100% FOIA	# Collateral Duty
1	1	1	0

FOIA Points of Contact (Must have a Primary POC, Secondary POC/Supervisor, and IDA)

Name	Phone #	Email Address
Mr. David German	901-874-3165	david.german@navy.mil
Captain Mark Holley	901-874-3159	mark.holley@navy.mil

Has Staff Changed this Quarter?

How Many Personnel Received Training this Quarter?

Do You Maintain Local Tracking as a Supplement to FOIAonline?

How Many Personnel have FOIAonline Accounts?

Number of Personnel with _____ FOIAonline Proficiency:

Expert Proficient Learning Request Training

Does FOIAonline Currently Support Your Business Process?

Estimated Time to Prepare this Report (Hours):

Additional Comments:

Please submit this form to your Reporting Echelon II Command and submit a copy to
DONFOIA-PA@navy.mil

For questions about the collection of this information, please contact CNO DNS-36 at (202) 685-0412 or
DONFOIA-PA@navy.mil

Component Name: Navy Recruiting Command

Reporting Echelon II: Navy Personnel Command

1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter
	7		

1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter
	5		

End of FY 14	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter
0				

End of FY 14	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter
0				

[illegible]

Staffing

Authorized Staffing	Current Staffing	# 100% FOIA	# Collateral Duty
1	1	0	1

FOIA Points of Contact (Must have a Primary POC, Secondary POC/Supervisor, and IDA)

Name	Phone #	Email Address
Mr. Michael Hogan	901-874-9111	michael.j.hogan1@navy.mil
LT Daniel Leary	901-874-9114	daniel.leary@navy.mil

Has Staff Changed this Quarter?

How Many Personnel Received Training this Quarter?

Do You Maintain Local Tracking as a Supplement to FOIAonline?

How Many Personnel have FOIAonline Accounts?

Number of Personnel with _____ FOIAonline Proficiency:

Expert Proficient Learning Request Training

Does FOIAonline Currently Support Your Business Process?

Estimated Time to Prepare this Report (Hours):

Additional Comments:

Please submit this form to your Reporting Echelon II Command and submit a copy to
DONFOIA-PA@navy.mil

For questions about the collection of this information, please contact CNO DNS-36 at (202) 685-0412 or
DONFOIA-PA@navy.mil

German, David Paul CIV

From: German, David Paul CIV
Sent: Thursday, July 02, 2015 10:16
To: DONFOIA-PA
Subject: PERS FOIA FY-15 3RD QUARTER REPORTING
Attachments: NPC FOIA 3ND QUARTER.pdf; CNRC FOIA 3ND QUARTER.pdf

Attached are FY015 3rd quarter FOIA reports for PERS/CNRC.

Best, Dave

David P. German, CIPP/G
Bureau of Naval Personnel
Navy Personnel Command
Office of Legal Counsel
FOIA/PA Officer, PERS-00J6
Comm: (901) 874-3165, DSN: 882-3165

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Component Name: Navy Personnel Command

Echelon Level: II

Reporting Echelon II: Navy Personnel Command

1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter
	271	128	

1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter
	271	128	

End of FY 14	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter
0		0	0	0

End of FY 14	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter
0		0	0	0

[illegible]

Department of the Navy FY 15 Quarterly FOIA Feeder Report

Component Name: Navy Recruiting Command

Echelon Level: III

Reporting Echelon II: Navy Personnel Command

Requests Received

1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter
	7	10	

Requests Closed

1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter
	5	10	

Requests Pending

End of FY 14	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter
0				

Requests Backlogged (Perfected and Pending >20 days)

End of FY 14	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter
0				

Status of 10 Oldest Requests from FY 14 Annual Report

[illegible]

Staffing

Authorized Staffing	Current Staffing	# 100% FOIA	# Collateral Duty
1	1	0	1

FOIA Points of Contact (Must have a Primary POC, Secondary POC/Supervisor, and IDA)

Name	Phone #	Email Address
Mr. Michael Hogan	901-874-9111	michael.j.hogan1@navy.mil
LT Daniel Leary	901-874-9114	daniel.leary@navy.mil

Has Staff Changed this Quarter?

How Many Personnel Received Training this Quarter?

Do You Maintain Local Tracking as a Supplement to FOIAonline?

How Many Personnel have FOIAonline Accounts?

Number of Personnel with _____ FOIAonline Proficiency:

Expert Proficient Learning Request Training

Does FOIAonline Currently Support Your Business Process?

Estimated Time to Prepare this Report (Hours):

Additional Comments:

Please submit this form to your Reporting Echelon II Command and submit a copy to
DONFOIA-PA@navy.mil

For questions about the collection of this information, please contact CNO DNS-36 at (202) 685-0412 or
DONFOIA-PA@navy.mil

German, David Paul CIV

From: German, David Paul CIV
Sent: Monday, July 06, 2015 8:42
To: DONFOIA-PA
Subject: RE: PERS FOIA FY-15 3RD QUARTER REPORTING
Attachments: NPC FY15 3rd Quarterly Report.pdf; CNRC FY15 3rd Quarterly Report.pdf

Josh,

Sorry about that. I've attached new reports using the updated format.

Hope the week is a good one.

Thanks much.

V/r, Dave

David P. German, CIPP/G
Bureau of Naval Personnel
Navy Personnel Command
Office of Legal Counsel
FOIA/PA Officer, PERS-00J6
Comm: (901) 874-3165, DSN: 882-3165

For Official Use Only - Privacy Sensitive. Any misuse or unauthorized disclosure may result in both civil and criminal penalties.

-----Original Message-----

From: Portner, Joshua M CTR OPNAV, DNS-36 On Behalf Of DONFOIA-PA
Sent: Monday, July 06, 2015 6:34 AM
To: German, David Paul CIV; DONFOIA-PA
Subject: RE: PERS FOIA FY-15 3RD QUARTER REPORTING

Dave,

Thank you for the prompt response. However, we changed the report form from last quarter. The first page remains essentially the same, but the second page includes a new and different set of questions (some of which may be repetitive). Apologies for the confusion.

V/r,

Joshua Portner
(202) 685-6517

-----Original Message-----

From: German, David Paul CIV

Sent: Thursday, July 02, 2015 11:16 AM

To: DONFOIA-PA

Subject: PERS FOIA FY-15 3RD QUARTER REPORTING

Attached are FY015 3rd quarter FOIA reports for PERS/CNRC.

Best, Dave

David P. German, CIPP/G

Bureau of Naval Personnel

Navy Personnel Command

Office of Legal Counsel

FOIA/PA Officer, PERS-00J6

Comm: (901) 874-3165, DSN: 882-3165

For Official Use Only - Privacy Sensitive. Any misuse or unauthorized disclosure may result in both civil and criminal penalties.

Staffing

Exclusive FOIA Billets Authorized	Exclusive FOIA Billets Filled	Collateral FOIA Billets Authorized	Collateral FOIA Billets Filled
1	1	0	0

Primary FOIA Point of Contact

Name	Phone #	Email Address
David German	901-874-3165	david.german@navy.mil

Has Staff Changed this Quarter?

How Many Personnel Received Training this Quarter?

Projected/Anticipated Turnover in coming Fiscal Years:

FY 16 Individuals FY 17 Individuals FY 18 Individuals

For FY 14, Indicate How Many of Your Subcomponents Received:

0 Requests 1-10 Requests 11-20 Requests 21+ Requests

Tools Used to Prepare this Report:

Estimated Time to Prepare this Report (Hours):

Additional Comments:

Please submit this form to your Reporting Echelon II Command and submit a copy to
DONFOIA-PA@navy.mil

For questions about the collection of this information, please contact CNO DNS-36 at (202) 685-0412 or
DONFOIA-PA@navy.mil

German, David Paul CIV

From: German, David Paul CIV
Sent: Thursday, July 02, 2015 10:16
To: DONFOIA-PA
Subject: PERS FOIA FY-15 3RD QUARTER REPORTING
Attachments: NPC FOIA 3ND QUARTER.pdf; CNRC FOIA 3ND QUARTER.pdf

Attached are FY015 3rd quarter FOIA reports for PERS/CNRC.

Best, Dave

David P. German, CIPP/G
Bureau of Naval Personnel
Navy Personnel Command
Office of Legal Counsel
FOIA/PA Officer, PERS-00J6
Comm: (901) 874-3165, DSN: 882-3165

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Component Name: Navy Recruiting Command

Reporting Echelon II: Navy Personnel Command

1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter
	7	10	

1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter
	7	10	

End of FY 14	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter
0	0	0	0	0

End of FY 14	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter
0	0	0	0	0

[illegible]

Staffing

Exclusive FOIA Billets Authorized	Exclusive FOIA Billets Filled	Collateral FOIA Billets Authorized	Collateral FOIA Billets Filled
0	0	1	1

Primary FOIA Point of Contact

Name	Phone #	Email Address
Mr. Michael Hogan	901-874-9111	michael.j.hogan@navy.mil

Has Staff Changed this Quarter?

How Many Personnel Received Training this Quarter?

Projected/Anticipated Turnover in coming Fiscal Years:

FY 16 Individuals FY 17 Individuals FY 18 Individuals

For FY 14, Indicate How Many of Your Subcomponents Received:

0 Requests 1-10 Requests 11-20 Requests 21+ Requests

Tools Used to Prepare this Report:

Estimated Time to Prepare this Report (Hours):

Additional Comments:

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DONFOIA-PA@navy.mil

For questions about the collection of this information, please contact CNO DNS-36 at (202) 685-0412 or
DONFOIA-PA@navy.mil

German, David Paul CIV

From: German, David Paul CIV
Sent: Monday, January 04, 2016 10:37
To: DONFOIA-PA
Subject: 1st quarter FOIA reporting
Attachments: PERS FY 16 Quarterly Reporting Q1 V4.pdf

Attached is the first quarter FOIA reporting. Please note, for some reason, the drop down menu for subcomponent one "status of FOIAonline account" will not let me drop down the correct response which should be "I have a FOIAonline account that I actively use." Perhaps I did something wrong, but I could not get the form to allow me to drop in the correct response.

Thanks much and Happy New Year!

Best, Dave

David P. German, CIPP/G
Bureau of Naval Personnel
Navy Personnel Command
Office of Legal Counsel
FOIA/PA Officer, PERS-00J6
Comm: (901) 874-3165, DSN: 882-3165

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Component Name: BUPERS/Navy Personnel Command

Echelon Level: II

Reporting Echelon II: Navy Personnel Command

1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter
143			

1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter
143			

End of FY 15	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter
0				

End of FY 15	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter
0				

End of FY 15	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter
0				

[illegible]

Primary FOIA Point of Contact

Name	Phone #	Email Address
David German	9018743165	david.german@navy.mil
Status of FOIAonline Account	Request FOIAonline Training?	
I have a FOIAonline account that I actively use.	No.	

FOIA Subcomponents Not Using/Updating FOIAonline (Include any additional Subcomponents in the Comments)

Subcomponent #1	POC	Phone #	Email Address
Navy Recruiting Command	Michael Hogan	(901) 874-9111	michael.j.hogan1@navy.mil
Status of FOIAonline Account	Request FOIAonline Training?		
I do not regularly use FOIAonline.	No.		

Subcomponent #2	POC	Phone #	Email Address
Status of FOIAonline Account	Request FOIAonline Training?		
I have not tried to get a FOIAonline account.			

Subcomponent #3	POC	Phone #	Email Address
Status of FOIAonline Account	Request FOIAonline Training?		
I have not tried to get a FOIAonline account.			

Subcomponent #4	POC	Phone #	Email Address
Status of FOIAonline Account	Request FOIAonline Training?		
I have not tried to get a FOIAonline account.			

Subcomponent #5	POC	Phone #	Email Address
Status of FOIAonline Account	Request FOIAonline Training?		
I have not tried to get a FOIAonline account.			

Estimated Time to Prepare this Report (Hours):

Additional Comments:

Navy Recruiting Command did not receive/process any FOIA requests in 1st quarter.

Please submit this form to your Reporting Echelon II Command and submit a copy to
DONFOIA-PA@navy.mil

For questions about the collection of this information, please contact CNO DNS-36 at (202) 685-0412 or
DONFOIA-PA@navy.mil

Component Name:	Commander Navy Recruiting Command
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Echelon Level: II

Reporting Echelon II:	Navy Personnel Command
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1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter
	2		

1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter

End of FY 15	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter
		2		

End of FY 15	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter

End of FY 15	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter

[illegible]

Primary FOIA Point of Contact

Name	Phone #	Email Address
Michael J. Hogan	(901) 874-9111	michael.j.hogan1@navy.mil
Status of FOIAonline Account	Request FOIAonline Training?	
I have a FOIAonline account that I actively use.		

FOIA Subcomponents Not Using/Updating FOIAonline (Include any additional Subcomponents in the Comments)

Subcomponent #1	POC	Phone #	Email Address
Status of FOIAonline Account	Request FOIAonline Training?		
I have not tried to get a FOIAonline account.			

Subcomponent #2	POC	Phone #	Email Address
Status of FOIAonline Account	Request FOIAonline Training?		
I have not tried to get a FOIAonline account.			

Subcomponent #3	POC	Phone #	Email Address
Status of FOIAonline Account	Request FOIAonline Training?		
I have not tried to get a FOIAonline account.			

Subcomponent #4	POC	Phone #	Email Address
Status of FOIAonline Account	Request FOIAonline Training?		
I have not tried to get a FOIAonline account.			

Subcomponent #5	POC	Phone #	Email Address
Status of FOIAonline Account	Request FOIAonline Training?		
I have not tried to get a FOIAonline account.			

Estimated Time to Prepare this Report (Hours):

Additional Comments:

Please submit this form to your Reporting Echelon II Command and submit a copy to DONFOIA-PA@navy.mil

For questions about the collection of this information, please contact CNO DNS-36 at (202) 685-0412 or DONFOIA-PA@navy.mil

German, David Paul CIV

From: German, David Paul CIV
Sent: Wednesday, April 13, 2016 12:47
To: DONFOIA-PA
Subject: FY-16 2nd QUARTER PERS Reporting
Attachments: PERS FY 16 Quarterly Reporting Q2 V4.pdf

As requested, please see attached report.

V/R, Dave

David P. German, CIPP/G
Bureau of Naval Personnel
Navy Personnel Command
Office of Legal Counsel
FOIA/PA Officer, PERS-00J6
Comm: (901) 874-3165, DSN: 882-3165

For Official Use Only - Privacy Sensitive. Any misuse or unauthorized disclosure may result in both civil and criminal penalties.

Component Name: BUPERS/Navy Personnel Command

Echelon Level: II

Reporting Echelon II: Navy Personnel Command

1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter
143	202		

1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter
143	200		

End of FY 15	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter
0				

End of FY 15	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter
0				

End of FY 15	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter
0				

[illegible]

Primary FOIA Point of Contact

Name	Phone #	Email Address
David German	(901) 874-3165	david.german@navy.mil
Status of FOIAonline Account	Request FOIAonline Training?	
I have a FOIAonline account that I actively use.	No.	

FOIA Subcomponents Not Using/Updating FOIAonline (Include any additional Subcomponents in the Comments)

Subcomponent #1	POC	Phone #	Email Address
Navy Recruiting Command	Michael Hogan	(901) 874-9111	michael.j.hogan1@navy.mil
Status of FOIAonline Account	Request FOIAonline Training?		
I do not regularly use FOIAonline.	No.		

Subcomponent #2	POC	Phone #	Email Address
Status of FOIAonline Account	Request FOIAonline Training?		
I have not tried to get a FOIAonline account.			

Subcomponent #3	POC	Phone #	Email Address
Status of FOIAonline Account	Request FOIAonline Training?		
I have not tried to get a FOIAonline account.			

Subcomponent #4	POC	Phone #	Email Address
Status of FOIAonline Account	Request FOIAonline Training?		
I have not tried to get a FOIAonline account.			

Subcomponent #5	POC	Phone #	Email Address
Status of FOIAonline Account	Request FOIAonline Training?		
I have not tried to get a FOIAonline account.			

Estimated Time to Prepare this Report (Hours):

Additional Comments:

CNRC does use the FOIAonline system, however, the drop down menu does not seem to allow

Please submit this form to your Reporting Echelon II Command and submit a copy to DONFOIA-PA@navy.mil

For questions about the collection of this information, please contact CNO DNS-36 at (202) 685-0412 or DONFOIA-PA@navy.mil

German, David Paul CIV

From: perseverance2013@aol.com
Sent: Wednesday, August 30, 2017 18:17
To: NPC FOIA
Cc: perseverance2013@aol.com
Subject: [Non-DoD Source] FOIA DON NPC 17-A: All FY 2013 – FY 2016 Quarterly FOIA Report Emails

Robert Hammond
707 Upham Place NW
Vienna, VA 22180
perseverance2013@aol.com

August 30, 2017

Navy Personnel Command
Code 00J6
5720 Integrity Drive
Millington, TN 38055-0600
Phone: (901) 874-3165
Fax: (901) 874-2615
Email: npc_foia@navy.mil

Subject: FOIA Request – All FY 2013 – FY 2016 Quarterly FOIA Report Emails

Requester Personal Reference Number: FOIA DON NPC 17-A

<file:///C:/Users/Bob/AppData/Local/Temp/msohtmlclip1/01/clip_image001.png> References:
<file:///C:/Users/Bob/AppData/Local/Temp/msohtmlclip1/01/clip_image001.png> (a) The Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 et seq., as amended,
(b) Joint publication of U.S. Department of Justice, Executive Office of the President and U.S. General Services Administration of July 2011, "Your Right to Federal Records"
(c) The Privacy Act ("PA") of 1974, 5 U.S.C. § 552a, et seq., as amended
(d) DoD 5400.11-R, May 14, 2007, Department of Defense Privacy Program
(e) DoD 5400.7-R, September 1998, DoD Freedom of Information Act (FOIA) Program
(f) DoD 5400.11-R, May 14, 2007, Department of Defense Privacy Program
(g) DoD 6025.18-R, Jan. 24, 2003, DoD Health Information Privacy Regulation
(i) GAO Report GAO-12-828 of July 2012, subject Freedom of Information Act
(j) Department of Justice Handbook for Agency Annual Freedom of Information Act Reports

Dear FOIA Officer

I am submitting this request under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 et seq., as amended, If you deny all or any part of this request, please cite each specific exemption you think justifies your refusal to release the information and notify me of appeal procedures available under the law.

References cited apply. Please see "preservation of records and searches performed" and "impact of improperly withholding records" below.

RECORDS SOUGHT VIA FOIA.

I am respectfully seeking for Fiscal Year 2013 - 2016

1. All four quarterly FOIA Reports submissions emails for Fiscal Year 2013 to the DON PA/FOIA Office
2. This request also seeks a copy of this request (which is an agency record) returned in your reply.

BACKGROUND:

Data in the quarterly reports may include:

- FOIA requests received during quarter:
- FOIA requests processed during quarter:
- FOIA backlog at end of quarter:
- Status of 10 oldest backlogged cases reported on prior FY report

Requested Format. I am requesting that documents provided as a single PDF file by return email 1) a signed and dated cover letter citing my personally assigned requester control number addressing only this FOIA request; 2) all responsive documents; 3) a copy of this request in your reply. This Request letter is an agency record in its own right and providing a copy of this request is an integral part of my FOIA request, which helps to ensure that you fully address my request. Please do not combine this request with any other request in your reply.

Agreement to Pay Fees. I agree to pay fees for searching or copying the records up to 100. If the fees exceed this amount please advise me of the cost before proceeding. I do not believe that there should be any charge for providing these records, as there is public interest in government operations. I am a private individual not seeking documents for commercial use, such that the following applies: "No fees may be charged by any DoD Component if the costs of routine collection and processing of the fee are likely to equal or exceed the amount of the fee. With the exception of requesters seeking documents for a commercial use, Components shall provide the first two hours of search time, and the first one hundred pages of duplication without charge." I would note that because I am requesting a PDF file, there should not be a per page copy fee.

PUBLIC INTEREST. The subject of the requested records concerns "the operations or activities of the government." The disclosure is "likely to contribute" to an understanding of government operations or activities. There is no commercial interest. There is significant public interest in the integrity of FOIA/ Privacy Act and certified mail processing procedures and the accuracy of FOIA reporting to the Attorney General of the United States and Privacy Act reporting to Congress.

DOD POLICY –PUBLIC TRUST.

Reference (c) states, "DoD personnel are expected to comply with the FOIA, this Regulation, and DoD FOIA policy in both letter and spirit. This strict adherence is necessary to provide uniformity in the implementation of the DoD FOIA Program and to create conditions that will promote public trust."

IMPACT OF IMPROPERLY WITHHOLDING RECORDS

Pursuant to FOIA:

"Whenever the court orders the production of any agency records improperly withheld from the complainant and assesses against the United States reasonable attorney fees and other litigation costs, and the court additionally issues a written finding that the circumstances surrounding the withholding raise questions whether agency personnel acted arbitrarily or capriciously with respect to the withholding, the Special Counsel shall promptly initiate a proceeding to determine whether disciplinary action is warranted against the officer or employee who was primarily responsible for the withholding. The Special Counsel, after investigation and consideration of the evidence submitted, shall submit his findings and recommendations to the administrative authority of the agency concerned and shall send copies of the findings and recommendations to the officer or employee or his representative. The administrative authority shall take the corrective action that the Special Counsel recommends." 5 U.S.C. § 552(a)(4)(F)(i).

PRESERVATION OF RECORDS AND SEARCHES PERFORMED. Please preserve all responsive or potentially responsive records and records of your searches in your FOIA case file until the statutory date for judicial review has passed (should that be necessary) or in accordance with a NARA approved records schedule, if longer.

Records of responsive searches would include but not be limited to:

Searches conducted for each specific record sought and all other records known to the Agency, including dates, manner of searching, responsible agent or employee conducting each search and the results thereof.

LEGAL FRAMEWORK OF FOIA

1. The definition of "records" includes:

"[A]ll books, papers, maps, photographs, machine readable materials, or other documentary materials, regardless of physical form or characteristics, made or received by an agency of the United States Government under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of data in them." 44 U.S.C. § 3301 (emphasis supplied).

2. FOIA requires that "each agency, upon any request for records which (i) reasonably describes such records and (ii) is made in accordance with published rules stating the time, place, fees (if any), and procedures to be followed, shall make the records promptly available to any person" 5 U.S.C. § 552(a)(3)(A).

3. FOIA requires that "each agency shall establish a system to assign an individualized tracking number for each request received that will take longer than ten days to process and provide to each person making a request the tracking number assigned to the request" 5 U.S.C. § 522(a)(7)(A).

4. FOIA requires that each agency shall "establish a telephone line or Internet service that provides information about the status of a request to the person making the request using the assigned tracking number, including the date on which the agency originally received the request; and an estimated date on which the agency will complete action on the request. 5 U.S.C. § 522(a)(7)(B).

5. FOIA also requires federal agencies to make a final determination on FOIA administrative appeals that it receives within twenty days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of such appeal, unless the agency expressly provides notice to the requester of "unusual circumstances" meriting additional time for responding to a FOIA request. 5 U.S.C. § 552(a)(6)(A)(ii).

6. FOIA expressly provides that a person shall be deemed to have constructively exhausted their administrative remedies if the agency fails to comply with the applicable time limitations provided by 5 U.S.C. § 552(a)(6)(A)(i) - (ii). See also 5 U.S.C. § 552(a)(6)(C).

7. FOIA provides that any person who has not been provided the records requested pursuant to FOIA, after exhausting their administrative remedies, may seek legal redress from the Federal District Court to enjoin the agency from withholding agency records and to order the production of any agency records improperly withheld from the complainant.

8. Regarding the names of the FOIA requesters, the courts have held that under the FOIA requesters do not have an expectation of privacy. *Stauss v. IRS*, 516 F. Supp. 1218, 1223 (D.D.C. 1981),

9. Under FOIA, the federal agency has the burden of sustaining its actions. 5 U.S.C. § 552(a)(4)(B).

10. Pursuant to FOIA, a Court may assess attorney fees and litigation costs against the United States if the Plaintiff prevails in an action thereunder. 5 U.S.C. § 552(a)(4)(E).

11. Department of Justice (DOJ) has issued a handbook addressing FOIA Annual Reports. See DOJ, Handbook for Agency Annual Freedom of Information Act Reports, "Disposition of FOIA Requests," (available at http://www.justice.gov/sites/default/files/oip/pages/attachments/2014/11/04/departments_of_justice_handbook_for_agency_annual_freedom_of_information_act_reports.pdf <http://www.justice.gov/sites/default/files/oip/pages/attachments/2014/11/04/departments_of_justice_handbook_for_agency_annual_freedom_of_information_act_reports.pdf>) ("DOJ Handbook").

12. Among other things, the DOJ Handbook states, "All requests (perfected and non-perfected), appeals, and consultations that were pending at any time during the relevant fiscal year [October 1st through September 30th] will be captured."

13. The DOJ Handbook also states:

"[E]ach agency is ultimately responsible for the accuracy and completeness of its Annual FOIA Report. It is therefore essential for agencies to take steps that will ensure that they are adequately tracking all of the information necessary to complete the Annual FOIA Report sections detailed below. Agencies that utilize a tracking or case management system for this purpose are responsible for ensuring that the system they are using can produce an accurate Annual FOIA Report that is in compliance with the law and Department of Justice guidance." DOJ Handbook, at 3.

I believe that I have adequately described the records that I am seeking. If you believe that my request is unclear, if you have any questions, or if there is anything else that you need from me to complete this request in a timely manner, please contact me in writing, so that I may perfect my request. If you deem that any portion of my request is unclear, answer the remaining portions and I will perfect a request for additional material as needed.

Thank you in advance.

With my respect,

<file:///C:/Users/Bob/AppData/Local/Temp/msohtmlclip1/01/clip_image003.jpg>

Robert Hammond

German, David Paul CIV

From: perseverance2013@aol.com
Sent: Wednesday, August 30, 2017 18:32
To: NPC FOIA
Cc: perseverance2013@aol.com
Subject: [Non-DoD Source] FOIA DON NPC 17-A: All FY 2013 – FY 2016 Quarterly FOIA Report Emails

Robert Hammond
707 Upham Place NW
Vienna, VA 22180
perseverance2013@aol.com

August 30, 2017

Navy Personnel Command
Code 00J6
5720 Integrity Drive
Millington, TN 38055-0600
Phone: (901) 874-3165
Fax: (901) 874-2615
Email: npc_foia@navy.mil

Subject: FOIA Request – All FY 2013 – FY 2016 Quarterly FOIA Report Emails

Requester Personal Reference Number: FOIA DON NPC 17-A

<file:///C:/Users/Bob/AppData/Local/Temp/msohtmlclip1/01/clip_image001.png> References:
<file:///C:/Users/Bob/AppData/Local/Temp/msohtmlclip1/01/clip_image001.png> (a) The Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 et seq., as amended,
(b) Joint publication of U.S. Department of Justice, Executive Office of the President and U.S. General Services Administration of July 2011, "Your Right to Federal Records"
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Agreement to Pay Fees. I agree to pay fees for searching or copying the records up to 100. If the fees exceed this amount please advise me of the cost before proceeding. I do not believe that there should be any charge for providing these records, as there is public interest in government operations. I am a private individual not seeking documents for commercial use, such that the following applies: "No fees may be charged by any DoD Component if the costs of routine collection and processing of the fee are likely to equal or exceed the amount of the fee. With the exception of requesters seeking documents for a commercial use, Components shall provide the first two hours of search time, and the first one hundred pages of duplication without charge." I would note that because I am requesting a PDF file, there should not be a per page copy fee.

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DOD POLICY –PUBLIC TRUST.

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IMPACT OF IMPROPERLY WITHHOLDING RECORDS

Pursuant to FOIA:

"Whenever the court orders the production of any agency records improperly withheld from the complainant and assesses against the United States reasonable attorney fees and other litigation costs, and the court additionally issues a written finding that the circumstances surrounding the withholding raise questions whether agency personnel acted arbitrarily or capriciously with respect to the withholding, the Special Counsel shall promptly initiate a proceeding to determine whether disciplinary action is warranted against the officer or employee who was primarily responsible for the withholding. The Special Counsel, after investigation and consideration of the evidence submitted, shall submit his findings and recommendations to the administrative authority of the agency concerned and shall send copies of the findings and recommendations to the officer or employee or his representative. The administrative authority shall take the corrective action that the Special Counsel recommends." 5 U.S.C. § 552(a)(4)(F)(i).

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2. FOIA requires that "each agency, upon any request for records which (i) reasonably describes such records and (ii) is made in accordance with published rules stating the time, place, fees (if any), and procedures to be followed, shall make the records promptly available to any person" 5 U.S.C. § 552(a)(3)(A).

3. FOIA requires that "each agency shall establish a system to assign an individualized tracking number for each request received that will take longer than ten days to process and provide to each person making a request the tracking number assigned to the request" 5 U.S.C. § 522(a)(7)(A).

4. FOIA requires that each agency shall "establish a telephone line or Internet service that provides information about the status of a request to the person making the request using the assigned tracking number, including the date on which the agency originally received the request; and an estimated date on which the agency will complete action on the request. 5 U.S.C. § 522(a)(7)(B).

5. FOIA also requires federal agencies to make a final determination on FOIA administrative appeals that it receives within twenty days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of such appeal, unless the agency expressly provides notice to the requester of "unusual circumstances" meriting additional time for responding to a FOIA request. 5 U.S.C. § 552(a)(6)(A)(ii).

6. FOIA expressly provides that a person shall be deemed to have constructively exhausted their administrative remedies if the agency fails to comply with the applicable time limitations provided by 5 U.S.C. § 552(a)(6)(A)(i) - (ii). See also 5 U.S.C. § 552(a)(6)(C).

7. FOIA provides that any person who has not been provided the records requested pursuant to FOIA, after exhausting their administrative remedies, may seek legal redress from the Federal District Court to enjoin the agency from withholding agency records and to order the production of any agency records improperly withheld from the complainant.

8. Regarding the names of the FOIA requesters, the courts have held that under the FOIA requesters do not have an expectation of privacy. *Stauss v. IRS*, 516 F. Supp. 1218, 1223 (D.D.C. 1981),

9. Under FOIA, the federal agency has the burden of sustaining its actions. 5 U.S.C. § 552(a)(4)(B).

10. Pursuant to FOIA, a Court may assess attorney fees and litigation costs against the United States if the Plaintiff prevails in an action thereunder. 5 U.S.C. § 552(a)(4)(E).

11. Department of Justice (DOJ) has issued a handbook addressing FOIA Annual Reports. See DOJ, Handbook for Agency Annual Freedom of Information Act Reports, "Disposition of FOIA Requests," (available at

http://www.justice.gov/sites/default/files/oip/pages/attachments/2014/11/04/departments_of_justice_handbook_for_agency_annual_freedom_of_information_act_reports.pdf

<http://www.justice.gov/sites/default/files/oip/pages/attachments/2014/11/04/departments_of_justice_handbook_for_agency_annual_freedom_of_information_act_reports.pdf>) ("DOJ Handbook").

12. Among other things, the DOJ Handbook states, "All requests (perfected and non-perfected), appeals, and consultations that were pending at any time during the relevant fiscal year [October 1st through September 30th] will be captured."

13. The DOJ Handbook also states:

"[E]ach agency is ultimately responsible for the accuracy and completeness of its Annual FOIA Report. It is therefore essential for agencies to take steps that will ensure that they are adequately tracking all of the information necessary to complete the Annual FOIA Report sections detailed below. Agencies that utilize a tracking or case management system for this purpose are responsible for ensuring that the system they are using can produce an accurate Annual FOIA Report that is in compliance with the law and Department of Justice guidance." DOJ Handbook, at 3.

I believe that I have adequately described the records that I am seeking. If you believe that my request is unclear, if you have any questions, or if there is anything else that you need from me to complete this request in a timely manner, please contact me in writing, so that I may perfect my request. If you deem that any portion of my request is unclear, answer the remaining portions and I will perfect a request for additional material as needed.

Thank you in advance.

With my respect,

<file:///C:/Users/Bob/AppData/Local/Temp/msohtmlclip1/01/clip_image003.jpg>

Robert Hammond